

Remarks

Claims 1-11, 16, and 18-22 are pending in the application. Claims 1, 4-6, 10, 11, 16, and 18-22 are amended above to remove the phrase "sublines produced therefrom" from the claims. Claims 7-9 are canceled above without prejudice. New claims 23-27 are presented above and find support in Example 5, among other locations of the specification. Upon entry of this amendment, claims 1-6, 10, 11, 16, and 18-27 will be pending in the application.

Applicant believes that the above amendments to the claims eliminating the phrase "sublines produced therefrom" has obviated the §112, first paragraph, "written description" rejections set forth at pages 2-3 of the Office Action. Further, Applicant notes that Table 2 discloses the recited fatty acid contents for each claimed strain under field conditions, which meet the claim limitations. Reconsideration and withdrawal is respectfully requested.

Next, Applicants respectfully traverse the §112, first paragraph, rejection of claims set forth at pages 4-5 of the Office Action. In support of their traversal, Applicants submit herewith the Declaration of Bruce A. Nagel, Station Manager-Research Scientist at Mycogen Seeds. As explained in the Nagel Declaration, the deposited seeds are from genotypically stable populations. No genotypic variation was introduced into the mating program other than that resulting from the EMS mutagen treatment. Accordingly, the deposits enable the claimed invention. Reconsideration and withdrawal is respectfully requested.

Finally, Applicants have canceled claims 7-9 above, without prejudice, and thereby obviated the §112, second paragraph, rejection set forth at pages 5-6 of the Office Action.

Applicants believe that all claims as currently pending are in condition for allowance and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

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Serial No. 09/334,163

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,


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Attachment: Petition and Fee for Extension of Time; Declaration of Bruce A. Nagel.

Marked-Up Claims

1. (thrice amended) An assemblage of corn seeds, obtained from a plant or plants belonging to a corn line selected from the group consisting of LS0417 (ATCC Accession No. PTA-1397), LS1498 (ATCC Accession No. PTA-1396), LS288 (ATCC Accession No. PTA-3642), [and sublines produced therefrom,] said assemblage having a mean saturate content of less than about 7.0%, a mean oleic acid content of at least 64.9%, and a mean linoleic acid content of 27.4% or less, by weight relative to the total fatty acid content of said seed.

4. (thrice amended) The assemblage of corn seeds according to claim 1, wherein said seeds are obtained from a plant or plants belonging to the LS0417 (ATCC Accession No. PTA-1397) corn line[, or sublines produced therefrom].

5. (twice amended) The assemblage of corn seeds according to claim 1, wherein said seeds are obtained from a plant or plants belonging to the LS1498 (ATCC Accession No. PTA-1396) corn line[, or sublines produced therefrom].

6. (thrice amended) A corn plant, belonging to a corn line selected from the group consisting of LS0417 (ATCC Accession No. PTA-1397), LS1498 (ATCC Accession No. PTA-1396), LS288 (ATCC Accession No. PTA-3642), [and sublines produced therefrom,] said plant producing seeds having a mean saturate content of less than about 7.0%, a mean oleic acid content of at least 64.9%, and a mean linoleic acid content of 27.4% or less, by weight relative to the total fatty acid content of said seeds.

10. (thrice amended) The corn plant according to claim 6, wherein said corn plant belongs to the LS0417 (ATCC Accession No. PTA-1397) corn line[, or a subline produced therefrom].

11. (twice amended) The corn plant according to claim 6, wherein said corn plant belongs to the LS1498 (ATCC Accession No. PTA-1396) corn line[, or a subline produced therefrom].

16. (thrice amended) A method for producing low saturate corn material comprising the steps of:

(a) obtaining a plurality of corn seeds, from a plant or plants belonging to a corn line selected from the group consisting of LS0417 (ATCC Accession No. PTA-1397), LS1498 (ATCC Accession No. PTA-1396), LS288 (ATCC Accession No. PTA-3642), [and sublines produced therefrom,] said corn seeds having a mean saturate content of less than about 7.0%, a mean oleic acid content of at least 64.9%, and a mean linoleic acid content of 27.4% or less;

(b) growing out said plurality of corn seeds to obtain a population of corn plants;

(c) intermating plants from said population to produce first seeds;

(d) subjecting said first seeds to selection based on saturate content, such that a predetermined saturate percentage of said first seeds is retained to obtain a group of selected seeds;

(e) growing said selected seeds into plants;

(f) intermating said plants to produce second seeds; and

(g) with said second seeds obtained, repeating steps (b), (c), (d), (e), and (f) at least once, whereby plants producing seeds that have a mean saturate content of less than about 7.0% by weight are obtained.

18. (amended) The assemblage of corn seeds according to claim 1, wherein said seeds are obtained from a plant or plants belonging to the LS288 (ATCC Accession No. PTA-3642) corn line[, or sublines produced therefrom].

19. (amended) The corn plant according to claim 6, wherein said plant belongs to the LS288 (ATCC Accession No. PTA-3642) corn line[, or a subline produced therefrom].

20. (amended) The method according to claim 16, wherein said corn seeds are obtained from a plant or plants from the LS0417 (ATCC Accession No. PTA-1397) corn line[, or sublines produced therefrom].

21. (amended) The method according to claim 16, wherein said corn seeds are obtained from a plant or plants from the LS1498 (ATCC Accession No. PTA-1396)[,] corn line[, or sublines produced therefrom].

22. (amended) The method according to claim 16, wherein said corn seeds are obtained from a plant or plants from the LS288 (ATCC Accession No. PTA-3642)[,] corn line[, or sublines produced therefrom].